

Final Report on the Operations of the Office of Clerk of the Superior Court in Cochise County

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Background

As part of a collaboration between the Arizona Supreme Court and the Superior Court in Cochise County, a ten-month consulting engagement was established with the intent of resolving numerous financial and operational issues that had been plaguing the Clerk of the Superior Court's Office since early 2011. The initial plan was to begin reviewing the financial operations of the office as there were a series of negative audits suggesting poor management and control over these functions. Upon arrival, it became apparent that there were significant issues involving the day-to-day operation of the office that required more immediate attention.

Upon meeting the staff, it was discovered that the current attrition rate within the Clerk's Office was 64.7% and that many of the staff holding key positions had only been in them for a matter of weeks or months. Key positions such as the financial manager had remained unfilled for as long as a year. The office environment was clearly toxic and not conducive to employee satisfaction, wellbeing, or productivity. Many of the staff reported that they were in constant fear of losing their jobs and were hesitant to report errors or issues they identified as requiring resolution. As a result, errors were buried rather than resolved.

It was also immediately obvious that many of the staff had not received sufficient training. When issues arose, staff often did not know what to do. There was evidence that some of the training provided was incorrect and based on antidotal information or prior poor practices. Further, it became clear that the Clerk's Office had no useful policies or operating procedures with which to use to train staff or to manage the activities of the office effectively. In many cases, staff who had only been hired weeks before themselves were training new staff. Due to the lack of training and vetted procedures, errors were unavoidable, and staff continued to make them.

It was also apparent that the Clerk of the Court's Office had negative working relationships with nearly all local stakeholders. This made it extremely difficult to resolve common issues and to work collaboratively to resolve them. A large concern was that most of the judges, along with court administration staff, expressed a total lack of confidence in the Clerk's Office.

In addition to the above, significant issues were encountered in regard to lost or incomplete court files, document handling and timely processing of court filings, tracking of cases sent to the Arizona Court of Appeals, quality of data entered into the AJACS case management system, inability to balance funds deposited into bond and fiduciary accounts, poor management and budgeting of operating funds, and

inconsistent day to day customer service issues such as having a useful platform for providing information and responding to phone calls and emails.

What follows in this report are summarized descriptions of many of the issues the staff identified along with measures taken to resolve them. Detailed working files related to each of these issues will be provided to the new clerk so that she can dig deeper into some of the issues described in this report. It should be noted that this will be an ongoing process for years to come as the volume of issues identified during the term of this engagement greatly outweighed our available capabilities. This report ends with a series of recommendations intended to assist the newly elected Clerk in tackling remaining issues. It is fully expected that additional issues will continue to surface in the years ahead as staff knowledge improves and cases make their way through the court.

Staffing/Human Resources

The Office of Clerk of the Superior Court has 34 full time equivalent positions. Initially, the chain of command was confusing to most staff as direct reporting relationships were unclear. All positions reported directly to the elected clerk, yet they also reported to the chief deputy and both operations supervisors. This created a situation where staff was often required to manage conflicting priorities.

In creating an effective leadership structure, it was apparent that a clear chain of command was necessary. It was also clear that the chief deputy clerk was spread thin already and unable to manage the day to day activities of 33 staff members performing a wide variety of tasks. To remedy this situation, a complete reorganization of the office was undertaken. This reorganization required the addition of two leadership positions in addition to the two existing operations supervisors and the recrafting of several job descriptions. A Courtroom Services Supervisor position was created using an existing Courtroom Clerk position to provide leadership and training to the nine Courtroom Clerks. The Financial Manager position, vacant for nearly a year, was recrafted and filled with a professional accountant. This position assumed responsibility for all financial staff thus allowing the Chief Deputy to return to the courthouse to resolve issues there.

The next step was to review reporting relationships of the remaining staff in relationship to the two operations supervisors. Delineation was made along business lines and resulted in an equal split of responsibilities.

Throughout the year, as vacancies were filled, new job descriptions were crafted that added measurable responsibilities for each position. As things in the office began to stabilize and the public perception of the office improved, the number of qualified applicants for our vacancies increased allowing us to fill our positions with skilled personnel.

For the first time in memory, all staff received a performance appraisal. The tool used allowed staff to participate in setting goals and offering suggestions for improving the process. A concomitant highlight during the past year was the roll out of the Cochise County Judicial Branch Compensation Plan in August. Clerk of the Court staff salaries increased by a total of \$85,000 annually and all positions are now slotted into appropriate compensation bands. In the year ahead, the plan is to implement a pay for performance plan relying on performance evaluations and longevity in grade. It is expected that this will greatly assist in employee retention in the years to come.

Supervisors were encouraged to have regular meetings with their staff and to continue improving training efforts. Staff were challenged to ask questions and offer suggestions for the improvement of operations. During the year, a couple of social events were held which were well attended. Morale continued to improve and the environment within the office became much more cordial and professional. Many citizens and stakeholders within the county have commented on the noticeable improvement in the attitudes and responsiveness of staff. In this last quarter of 2018, the attrition rate within the Clerk's office dropped to 5.8% from the initial 64.7% attrition rate. It should be noted that the two recent departures from the office left for promotions at the Superior Court and County Attorney's Office. Both former staff regularly visit the office and have been helpful in sharing the improvements made in the Clerk's Office with staff of their new offices leading to improved relationships systemwide.

In December, Cochise County rolled out a countywide ADP time keeping and HR management system. The Clerk's Office expressed support of this system and believes it will be useful in managing our staff and in empowering them with additional benefit and scheduling information that will increase their professionalism.

Training/ Education Issues

As stated previously, it was immediately apparent that the staff had not received training necessary to perform their tasks effectively or be successful in their positions. The leadership team began evaluating staff performance to determine where additional training was necessary. Supervisors also began holding regular meetings with staff to review common operations. One of the Operations Supervisors developed a training matrix which consisted of a list of common daily transactions and a means of gauging everyone's competence in each area. This tool provided us with a great deal of information and showed us exactly where we needed to devote training resources. It also, unfortunately, showed us how lacking our policies, procedures, and training materials were. In any event, with training underway followed up by team meetings, staff began to show much progress and the error rate fell sharply. A later training matrix prepared by staff showed a doubling of competence in only three months.

Another area of weakness staff and management began to correct is in the area of shared knowledge. Early on, the absence of a single employee often resulted in a complete inability to complete certain tasks until that employee returned. Alongside the above described training efforts, staff has begun the development of a cross-training plan to ensure full coverage of all responsibility areas. These efforts will be greatly improved once stated policies and procedures are available.

For most of our current supervisors, this is their first leadership position. All are progressing well, but all would benefit from participation in the Arizona Court Leadership Institute. I have requested that they all register for classes necessary to obtain the Arizona Court Supervisor (ACS) certification.

Leadership will also need to continue to develop a working knowledge of local human resources policies and procedures. There have been situations where supervisors provided incomplete or incorrect information to staff. In one instance, a staff member was asked to sign a written document certifying they had received a verbal correction. This document was then placed in the employee's file. The Human Resources Manager of the Superior Court agreed to provide training to managers and

supervisors. Further, it would be helpful to have this information available in a location that is easily accessible to all such as a local drive or an internal intranet site.

Another recommended training goal is to have staff visit other courts to shadow counterparts so that they may gain new skills and bring back new ideas. A visit is scheduled for January where a staff member will be spending a few days with the Santa Cruz Clerk of the Superior Court. Additionally, staff will be reaching out to the newly elected Clerk of the Superior Court in Pima County to begin sharing ideas.

Operational and Public Service Issues

The most common criticism leveled at the Clerk's Office in the early months of this project was that staff and supervisors did not return calls or emails seeking information or assistance. Upon observation, it became clear that these criticisms were correct. In part, this was because no one really knew who was responsible for what. In addition, an analysis was performed of incoming calls and emails and it was discovered that more than 20% of our inbound calls and emails were related to Justice Court matters. In seeking to resolve this, Justice Court staff indicated that they did not have sufficient resources to handle these inquiries and were unable to help. Further, an additional 20% of all calls were follow on calls as the customer's original call was not responded to the first time.

Some improvement was made as we began our reorganization of duties and responsibilities and staff began understanding and owning their areas of responsibility. While improved, this problem remained. We began assigning specific staff members a schedule to answer phones between certain hours with a goal of returning all calls and providing all requested information by close of business each day. This was a great improvement but still required staff to forward calls to others who were unavailable to answer these incoming calls. The problem was finally solved by using already available telephony tools owned by Cochise County. A "call tree" was created prompting callers to select the area most closely related to their issue. Routing calls directly to the person responsible for these areas greatly streamlined this process. It also allowed us to route justice court calls directly to the justice courts. Combined with an enforced directive to answer all calls immediately, these criticisms ended and public confidence in the office improved. Email queues were also to be worked through by the end of each day to ensure all inquiries of the office received a prompt response.

We began understanding that many of our calls could have been avoided had we provided additional useful information on our website. We also understood that most persons inquiring about court matters had no understanding of the different duties of the Superior Court and the Clerk of the Superior Court. As such, we began meeting with Superior Court and County IT to discuss a combined website that is user friendly and is designed to better resolve questions with a series of questions asking users what they were seeking to do rather than simply providing them with a menu of departments, case types, and forms. This is still a work in progress but holds great promise to improve service to the residents of Cochise County.

Another area of improvement has been a comprehensive review of court forms. Staff of the Superior Court's Law Library made great strides to automate all forms making them available on line. Additionally, all forms will be available in Spanish. Combining the websites of the Clerk's Office and

Court will make doing business with the court much easier to understand. Additionally, citizens will not need to search multiple sites to obtain court forms as all will be available in a common directory area.

For several years, the Clerk of the Superior Court in Cochise County struggled to meet the requirements of the Arizona Court of Appeals. These issues continued into 2018. This issue was resolved largely by sharing appeal notices in a broader fashion and through improved training of staff. In addition, staff reached out to the Court of Appeals to obtain contacts for resolving issues before they escalated. In recent months, the Clerk's Office has not received any complaints from the Court of Appeals leading us to believe we have resolved this long-standing issue. Staff will continue to monitor this process closely and will work toward the development of a clear written procedure containing timeframes and service requirements to ensure current gains are not lost.

To improve strained relationships between the Clerk of the Court and other local stakeholders, a series of meetings was held to resolve outstanding issues and to improve communications. Much of the acrimony was of a personal nature and was not aimed at the staff. Many issues were resolved by improving communications and returning calls and emails from these stakeholders. In some cases, we were able to provide information and assistance that helped improve operations within these outside agencies. It is anticipated that these relationships will continue to grow moving forward.

One of the most important relationships in need of repair was between the Clerk's Office and the Court's Judicial Administrative Assistants. For some time, signs were posted in the Clerk's Office advising Court staff to not enter the Clerk's area citing MAS issues. To improve this relationship, these signs were removed, and a monthly meeting referred to locally as the COJAM meeting was reinstated. Initially, these meetings were difficult to sit through as they were comprised mainly of name calling and the rehashing of old issues. We began asking them to bring us specific issues and case information so that we could reverse-engineer problems. Once these meetings returned to a focus on specific problems, we were able to begin resolving them. This greatly improved the relationship and restored a level of confidence in the office. In later meetings, a sign that the relationship improved was when JAA's began defending the actions of clerk staff when other JAA's were critical of the Clerk's Office. Most memorable for many of the staff was the willingness of JAA's to come into the Clerk's area and assist us in putting away files during a period when we were short-handed. At one point, even the presiding judge was assisting Clerk staff.

Operating Budget

Below are brief overviews of the major tasks performed regarding the operating budgets of the Clerk's Office.

Prepared and Presented Operating Budget – Cochise County: Worked with staff to create an internal zero-based budget to determine what was appropriate and necessary to successfully operate the office. In the past, budgeted appropriations were simply copied from previous years to the current request despite lack of relevance to current operations or actual events. This included a revenue line budgeting of \$138,000 in jury revenues that had never been due or collected.

Supplemental Funding Request Granted: The Cochise County Board of Supervisors approved the budget and concomitant supplemental funding request as submitted by the Clerk of the Court's Office.

Additional funding of more than \$60,000 will be used to continue efforts in finance to improve reconciliation of accounts and accelerated resolution of restitution and other matters. The Board of Supervisors publicly thanked staff for improvements they have noted and had reported to them by constituents.

Revenue and Expenditure Forecasting: During the budgeting process, reports generated from the county's financial management system revealed that the Clerk of the Court's Office underspent allocated budgets by an average of \$140,000 each year for at least the previous three years despite constant insistence that the office was underfunded. In a meeting with the County Administrator, it was confirmed that the Clerk of the Court maintained full discretion over this budget and could have used these funds at any time in support of the office. It is critical that the office continue enhancing financial forecasting methods to ensure full benefit of appropriated and enterprise funds.

DES Title IV-D Child Support Budget and Contract: Prepared a reasonable budget and facilitated acquisition of reimbursement of costs related to IV-D tasks conducted by clerk staff. Previous contract included 5% salary increases for a handful of staff – some who had no active role in IV-D activities. Fortunately, DES was never billed for these salary increases so no reimbursement or correction was necessary. The resulting salary issues were corrected with assistance from the Superior Court HR Manager.

Review of Clerk Access to Special Revenue Funds and Grant Opportunities: During 2018, the clerk was not directly receiving any Fill the Gap, JCEF, or Local Court Improvement funds. Further, it does not appear that the Clerk's Office has been seeking any outside grant funding in recent years. It is recommended that the new clerk work with Superior Court staff to better understand what is available and how these funds can be used for the collective betterment of the judicial branch in Cochise County.

Financial Operations

Upon arrival, it was discovered that the key position of financial manager had remained unfilled for almost a year. During this period, the Chief Deputy Clerk assumed responsibility for this function, along with just about everything else in the clerk's office. As would be expected, she was unable to provide adequate attention to this area despite her ardent attempts to do so. Additionally, other clerical positions in this area remained unfilled or were filled with poorly trained temporary employees. At best, the staff was only able to maintain minimum daily operations. There were years of bank statements that had not been reconciled and questions from stakeholders such as Adult Probation and the public went unanswered. There were multiple bank accounts that did not match the balances shown in the case management system. Staff on site were working diligently but had not received appropriate training in the financial operations of the office to break the cycle they were in. Further, none had any formal knowledge of MAS.

By April, we had created an updated job description for Financial Manager and engaged in a hiring process that resulted in the hire of a seasoned accountant who had several years of experience working for the Cochise County Finance Department. In the ensuing months, we successfully filled remaining positions and were fully staffed in this area for the first time in years.

Early on, it was realized how complicated the daily deposit process was given that our servicing bank was in Sierra Vista – which is 22 miles away. We began a series of meetings with the Cochise County Treasurer to see if it would be possible to utilize the Treasurer's Office located in Bisbee as our fiduciary agent. In addition to convenience, it was thought that adding another level of checks and balances into this process would be useful. These meetings were promising, and we have a commitment to move in this direction in the future. Unfortunately, issues that arose in the implementation of a new financial system in the Treasurer's Office has delayed this project. It is highly recommended these efforts be continued once the Treasurer resolves the issues with their system. Should the Treasurer be unable to meet our needs in the near future, it is suggested that Bisbee's financial transactions be moved to Washington Federal located nearby.

A limited investigation was made into the use of online or telephonic payment systems. Given the distances in Cochise County, these options would be of great benefit to the citizens of Cochise County and might improve collection of court ordered fines and fees. The limited jurisdiction courts here use an outside vendor for this purpose. It is unknown if it could be utilized by the Superior Court.

In recent months, conversations were held with Court and County management to discuss the benefits of employing FARE in the collection of Superior Court fines and fees. FARE is currently used in the limited jurisdiction courts here. It is not fully understood why it has not been utilized in the Superior Court. Reports run using AJACS data suggests that there are \$90,000,000 in outstanding fines and fees owed.

Staff will need to continue investigating several personal bank and checking account records, insurance policies, jewelry, and savings bonds found in an unused vault in the Clerk's Office. Some of these items have been held since the 1950's.

An analysis performed during the summer showed 444 cases dating back to 1/1/10 where a total of \$83,000 was owed to victims. In some cases, these funds had been on hand for years. It appeared that most were not disbursed because victim information was unknown or was not entered in AJACS. Working collaboratively with the Cochise County Attorney's Victim Witness Division and Adult Probation, staff was able find nearly all of these victims and to disburse all but \$14,000 of these funds.

During the past eight years, the Clerk's Office only performed the Arizona Department of Revenue's annual escheatment process for transferring unclaimed property once despite this being an annual mandate. Staff is on track to submit all remaining unclaimed funds to the DOR by early 2019.

During the past three months, staff resumed the reconciliation of past years transactions to our bank statements. From this review, it was discovered that monthly merchant fees charged on credit card payments had been charged to our fiduciary accounts for the last ten years rather than to our operating funds. To date, this amounts to a total cost exceeding \$80,000. A meeting was held to explain this issue with the County Administrator and it is expected that a journal entry can be made to restore these funds to the fiduciary account. A series of unknown charges were also posted to this account. An investigation has been initiated and a police report has been filed should it be necessary to retrieve these funds.

Continued development of an ongoing "action plan" is necessary for dealing with outstanding financial issues that includes mutually agreed upon priorities and a reasonable timeline for the resolution of

issues. A plan with achievable goals is needed to reduce stress and to ensure that staff does not become overwhelmed and burned out by the tasks ahead as clean up in this area will likely take years to resolve.

Automation and Information Systems

One of the bright spots in the past year has been the implementation of eFiling of civil cases in Cochise County. Despite being the last county in the state to do so, or perhaps because of it, our implementation went very smoothly. There have been some issues regarding the destruction of paper documents that have been scanned into the electronic case and also some push back from judicial divisions who preferred to create paper files alongside the electronic versions, but these issues have largely been resolved. A comprehensive local procedure for handling these eFiled cases has been developed and is awaiting acceptance by the new clerk. On many days, electronic civil filings exceed traditional counter filings leaving clerks more time to concentrate on other tasks. It is likely as more case types are eFiled that staff time can be repurposed for greater efficiencies in other areas.

Since the inception of this consulting engagement, everyone has been aware of the poor quality of information entered in the AJACS case management system. Running simple reports demonstrates some of these issues quite clearly. For example, there are arrears balances associated with marriage licenses which is an impossibility as payment is made in advance. Case disposition data appears spurious as well when reports showing disposition are compared to paper files. In addition, entries reflecting the progress of cases sometimes does not match the record found in the paper records. Staff assigned this task have made some progress but much still needs to be done. This project will be especially critical to the success of eBench in Cochise County. Similar attention needs to be paid to reviewing the accuracy and completeness of our OnBase scanning project. It is clear that much is needed in this area prior to our transition to eBench and eAccess.

During the year, a PC hard drive failed resulting in the loss of a significant amount of work prepared by a courtroom clerk. This incident illustrated the need of a collective server or a shared drive capable of frequent backups. To date, all Clerk's Office staff members continue to save their work to their local hard drives.

Earlier in the year, staff worked with the Cochise County Sheriff's Office to develop a process to electronically send warrants and minute entry orders via email with attached image rather than by interoffice mail of hard copy documents. This process is codified on both ends now and is running smoothly.

File Management

When the team first walked the work areas of the Clerk's Office, it was immediately apparent that file storage techniques were poor. The archive room appeared in complete disarray as it proved to be when archived files were needed in court. Boxes and individual files were scattered on the floor. Finding files was difficult and time consuming. In some cases, files were not located until much later. It was also

clear that files had not been organized in years and that files slated for archives had not been moved. It was also clear that no one had been monitoring the document destruction schedule.

While working with these materials, historically important files were found that should be forwarded to the Arizona State Archives for long-term preservation. Additionally, records currently stored on microfiche/microfilm should be converted to a digital format as soon as possible. In consultation with vendors, it is likely that sufficient funding exists in the Document Storage and Retrieval fund to complete this task.

To overcome these issues with our records, an overall file storage plan was developed that first sought to account for all records in our possession. This complete accounting proved to be a large undertaking but well worth it. With this plan, we were able to develop steps necessary to archive old cases and free up shelving for active cases. This part of the plan was carried out with the help of a summer intern who moved a significant number of documents from our archive room at Ledge Avenue to the long-term storage area at the Melody Lane site. We also assessed the climate issues impacting storage in the old Cochise County Jail. The Courtroom Service Supervisor is developing plan to reorganize exhibits currently held in this area. It is suggested that these materials be stored elsewhere due to the limitations of this space. To date, the file management project, while far from complete, has been deemed a success as no files have gone missing in recent memory.

Jury Commissioner

The Office of Jury Commissioner is responsible for the acquisition and selection of persons for service as grand jurors and as jurors required for jury trials occurring throughout the year. In the Cochise County Superior Court, there are approximately 25 jury trials each year.

In recent years, it was the practice of the Clerk's Office to mail out 20,000 jury questionnaires each year to provide jurors for an average of 25 jury trials. This amounts to 800 questionnaires sent per jury trial. As Cochise County is home to 100,000 persons, this meant one person out of every five residents received a questionnaire each year. Subtracting out residents who are ineligible to serve such as children, the ratio was closer to one out of every two eligible residents. This information added credibility to complaints from the public that they were called almost every year.

With the above information, we immediately reduced the mailings to 8,000 per year. With the savings in postage from reduced mailings, we provided post-paid return mailers which to date has shown an increased yield in questionnaires returned. During the prior year, the return rate was 29%. During the last term, we sent out 4,000 questionnaires of which 44% were returned and 1,651 persons were deemed candidates for juror service. For the next term, the Jury Commissioner has requested that additional questionnaires be sent as she believes 2,000 qualified candidate jurors are needed. Perhaps another option is to follow up to determine why the juror yield isn't higher.

In Pima County, post cards are sent initially rather than questionnaires to prospective jurors. This reduces cost and confirms the availability of these citizens. Additional biographical information, similar to what is sought through the questionnaires, is obtained in person when the citizen reports for jury

duty. This may prove to be an additional labor and cost saving measure in the future. The Jury Commissioner will be meeting with staff in Pima County soon to see if this can be duplicated in Cochise County.

Staff is also considering sending mailings quarterly rather than twice a year in order to reduce the total jury service requirement of citizens from six months to three. Doing so should will also provide more up-to-date information which should improve juror yield and spread the work more evenly throughout the year.

Staff has also begun reviewing the capabilities of the Jury + system. Until this year, it was unknown to staff here that the Clerk's Office owned all modules of this system. Staff will be meeting with the Jury Commissioner of Pima County to review how this system can be used most effectively. Additionally, staff has reached out to Graham and Greenlee Counties to see how similarly sized agencies perform these duties.

Currently, jury records are boxed and labeled according to destruction date. These dates have not been complied with and there is a backlog of these files sitting in the old jail ready for destruction. In Pima County, these documents are scanned immediately, and the paper version destroyed the same day. The scanned electronic documents are set to time out and are effectively destroyed without additional action. Staff will also be reviewing this process for possible adoption in Cochise County.

Currently, checks to jurors are cut by the Jury Commissioner and are individually signed by the Clerk of the Court. Often, the mailing of these checks was delayed because the Clerk was unavailable to sign them. This process is not efficient and should be ended as it only existed for some presumed political purpose. The Jury + system is able to automatically print the Clerk's signature on the checks and should be employed to do so.

Security Issues

Below are security issues that have been identified and are worthy of further study and consideration:

Jury Area Security: The Jury Assembly room and work space of the Jury Commissioner is in a separate building located directly behind the Bisbee courthouse. On days where there are no jurors, the Jury Commissioner works in this area alone. It has been the practice that the door to this area remain unlocked and no security personnel is assigned to this area. As a stop-gap measure, a wireless doorbell has been installed and the Jury Commissioner has been instructed to keep the door locked as much as possible. A better solution would be to place a key card lock on this door combined with an automatic door opener controlled by jury staff allowing access for approved personnel and empaneled jurors. Another option would be to move the daily work area of the Jury Commissioner to the courthouse only using this area on jury days.

Public Service Windows: The current public service windows in the Bisbee courthouse are constructed of modular or systems furniture and can be easily moved or overcome should someone seek to do harm to staff or the office. The windows themselves consist of simple non-ballistic plexiglass. While the reason is not understood, the Clerk had the plexiglass panels cut down by at least half rendering them useless.

Key Management: In the past, keys were issued to staff without a means of tracking them or ensuring they were returned and reissued appropriately. It has come to light recently that several staff of both the Clerk's Office and the Court have grand master keys that appear to open nearly everything in the Bisbee courthouse thus eliminating the ability to control access to files and documents under the control of the Clerk. Conversely, this also allows for inappropriate access by clerks to court-specific areas. While there is no evidence of untoward behavior, this issue should be remedied as soon as possible.

Security Cameras: There have been many instances where it would have been beneficial for there to have been cameras capturing events within the Clerk's office such as at entry points and payment windows and the environs surrounding the courthouse. The most memorable issue involved a missing shuttle case containing court documents. Each day, records are shuttled between the court in Sierra Vista and Bisbee via county vehicle. Until the time of this incident, it was regular poor practice to leave this shuttle locked in the car overnight. We were fortunate that another agency had a camera that captured video showing the shuttle hadn't been stolen out of the vehicle while parked. Had additional cameras been in service, mounted in strategic locations such as entry points, we would have been able to resolve this issue.

Final Recommendations

Policies and Procedures: As stated throughout this document, it is imperative for the Office of the Clerk of the Superior Court in Cochise County to have useful policies and procedures with which to train staff and govern the daily activities of the office. The departing Clerk was assigned this task and had agreed to work from home for the past several months to complete this documentation. It has been reported that she has made no progress and will not be submitting the agreed upon information. As such, because of the high value to the organization of having such documentation, it is recommended that the incoming Clerk retain the services of the current Chief Deputy Clerk on a part-time basis to complete this task. Much of the basis for completing these documents can be developed from similar documents already existing in other courts around the state. Synthesizing this information and adding from her immense personal knowledge, it is anticipated she would be able to complete this task in a short period of time.

Training: While much progress has been made, it is recommended that upon completion of the policy and procedure documents, the current Chief Deputy Clerk develop and deliver enhanced training to all staff of the Clerk's Office as well as Superior Court and other justice and law enforcement agencies in Cochise County who are constituents or consumers of the Clerk's Office. Training will enhance the capabilities of staff and will improve the flow of information between agencies for the betterment of all. It is further recommended that all supervisory staff attend the Arizona Court Leadership Institute.

Full Operational and Financial Audit: It would be in the interest of the new Clerk and the Court here in Cochise County to bring in an external audit team to look at financial and electronic case data accuracy issues. It is important for the Clerk to have a baseline moving forward with which to develop strategies for resolving remaining long-standing issues. It would be unfair for any of the inactions or poor actions of the previous Clerk to be borne by the new Clerk. It is clear to everyone who has reviewed this matter that there are several years of substandard work. While staff will be able to balance and reconcile the work done this past year, the work done in prior years appears spurious and we are unable to balance to

the case management system. While staff here has been told that it is impossible to balance to AJACS, it seems we should be able to understand what a reasonable variance between the two might be. Without this knowledge, it is impossible to gauge the size of the problem.

Staff has conducted sampling of the daily receipts to the bank deposits and have found no significant issues to date other than continuous poor data entry and record keeping. However, the sample size is not large enough to fully assess the magnitude of the problem. Some of these issues may date back to the transition from AZTEC to AJACS but that too is unclear. Staff has done a remarkable job working through these issues but there is still a lot to do. It is anticipated there are more issues remaining to be found beyond those discovered in the past ten months.

Existing staff is unable to fully resolve these issues. Further, it is unlikely there are other local resources available to assist with a meaningful audit of our finances and records. Cochise County does not have an internal audit department and does not have staff that can assist us much beyond what they have already done. Staff in the Clerk's office will continue data cleanup and sampling of financial records tied to individual cases but they do not have the capabilities to do much more beyond that.

It is suggested that AOC mount an operational audit that is heavy on case financial data. It is further suggested that an outside financial audit be performed with the goal of deciding what is necessary to balance the financial records to the case management system. It would also be useful to determine a reasonable method for rolling the balances of the remaining 2008 bond and unclaimed property accounts into the concomitant accounts created in 2011. Staff has been hesitant to roll them forward for fear of complicating future efforts to unravel these issues.

Data Clean-up: Review of AJACS data shows that there is much incorrect and incomplete data in addition to what is discussed above. As the court moves forward with efforts to become less reliant on the paper files, which have a higher confidence interval than the automated record, it will be imperative that these errors be resolved. It is recommended that this project continue to be the sole assignment of the Operations Supervisor until completion.

FARE: in Cochise County, the Clerk's office, along with the Adult Probation Department, are responsible for the collection of all Superior Court fines, fees, and restitution. The Clerk's office does not conduct any efforts other than debt off set to collect balances that are in arrears. The Adult Probation Department is primarily concerned with collection efforts involving persons currently on probation. It is reported that the balance of all uncollected funds exceeds \$90,000,000. While this amount has not been substantiated, the outstanding balance is undoubtedly significant as collection efforts have been limited. As staffing resources are also limited, turning these cases over to FARE would be of great benefit. It should be remembered that the collection of these funds, especially victim restitution, are the fulfillment of court orders and should not be misconstrued as simply an effort to generate revenues for local and state government.

Minimum Accounting Standards Training: At present, one person in the Clerk's office has received any detailed instruction regarding MAS. It is recommended that AOC staff provide this training either in person or via a webcast at the earliest possible time.

eFiling: Efforts to date have been successful and show much promise. In addition to streamlining the process, the potential for error has been greatly reduced and timeliness has improved. Often, the clerks

receive more civil case filings per day electronically than across the counter. As such, eFiling has reduced the workload of window staff allowing them to concentrate on other critical tasks. It is recommended that eFiling efforts pertaining to other case types proceed quickly.

eAccess: Transparency is a critical component of our legal system. Staff is engaged in efforts to scan and post documents quickly, however, improvement is possible. Cochise County has also been working on making information available to constituents and has employed DataBank to create a system here to make information available to constituents online and without cost. They have intended to include court information in this project as well but have agreed to postpone these efforts in favor of allowing the courts to manage these efforts through eAccess. It is recommended that these efforts proceed as quickly as possible.

Public Case Look Up Terminal in the Sierra Vista Courthouse: Currently, the court provides a terminal in Bisbee but not in Sierra Vista where more than half of the residents of Cochise County live. While there are costs involved in resolving this issue, it is recommended that a terminal be placed in Sierra Vista as soon as possible.

Review of Items Stored in the Old Cochise County Jail and Other Storage Areas: Despite the successful efforts to improve document storage issues, much remains to be done. The most critical area requiring attention is the old Cochise County Jail in the upper levels of the courthouse. Throughout the past ten months, staff has continued to find issues in this area. The exhibit area is still in disarray and in other areas archived files are deteriorating because of the lack of climate control. During the past ten months, two firearms were found despite a prohibition against the storage of these items in the court. In other areas, staff is still finding financial records that were filed incorrectly in boxes that did not adequately describe their contents. Within an old vault in the Clerk's main office, a case was found containing financial records, insurance documents, jewelry, and savings bonds belonging to individuals that dated back to the 1950's. Resolving these issues was postponed in favor of others but attention needs to be focused here as soon as possible.

Updated New Hire Manual: While it is hoped that this manual won't be necessary for a while now that staffing has stabilized, attention needs to be directed toward producing a new employee manual that has up-to-date information in it. The current manual is out of date and contains numerous errors.

Shared Drive or Accessible Server Space: Currently, much information and work produced by staff resides on individual hard drives of staff PC's. This is a recipe for disaster as all hard drives fail eventually. It also creates a system where work is siloed rather than shared. Having common access to information improves productivity and improves the quality of work as staff can offer continuous improvement to shared documents and projects.

Digitalization of records currently stored in a microfiche format: Currently, there are decades of court records stored in a microfiche/microfilm format at Ledge Avenue. This format decays over time and the equipment needed to view this information is no longer produced or serviced. Staff has managed to keep existing equipment operating but this is not a long term solution. Vendors have been identified that can transfer this information to a modern digital format. It is recommended that existing Document Storage and Retrieval funds be used to do so as soon as possible.

Shadowing of Colleagues at Other Courts: It would be beneficial in the development of staff in Cochise County to travel to other courts to see how other agencies perform similar responsibilities. Staff from Cochise County visited the Jury Commissioner of Pima County recently and many useful ideas were brought back to Cochise and employed here.

Security Improvements: As mentioned previously, there are issues regarding key control, poor customer window design, video surveillance and entry control for the Jury Commissioner's Office. It is recommended that funds from the Court Security Fund be utilized to remediate these issues as soon as possible.

Conclusion

It has been a tremendous experience working with the judges of the Superior Court, Court Administration, the Cochise County Board of Supervisors, Cochise County Administration, and the wonderful staff of the Clerk of the Superior Court's Office this past year. Throughout this process, there were difficult days but never once did anyone express doubt in our ultimate success. There is still much to be done but I'm confident these public servants in Cochise County will finish the job and restore the confidence in the Clerk of the Superior Court's Office that its staff has earned.